

Questionnaire for the report of Bulgaria on the implementation of the Protocol on Strategic Environmental Assessment in the period 2016–2018

Information on the focal point for the Protocol

1. Name and contact information:

Ms. Silviya DIMITROVA

Director of EA, EIA and Prevention of Pollution Directorate

Ministry of Environment and Water

22 Maria-Luisa Blvd.

1000 Sofia

Telephone: +359 2 940 62 19

Fax: +359 2 988 43 93

E-mail: sdimitrova(at)moew.government.bg

Information on the point of contact for the Protocol

2. Name and contact information (if different from above):

Ministry of Environment and Water

22 Maria-Luisa Blvd.

1000 Sofia

Telephone: + 359 2 988 25 77

Fax: + 359 2 986 25 33

E-mails: : edno_gishe(at)moew.government.bg

sdimitrova(at)moew.government.bg

ppetrov(at)moew.government.bg

Information on the person responsible for preparing the report

3. Country: Bulgaria

4. Surname: Gandzhova

5. Forename: Maya

6. Institution: **Ministry of Environment and Water**

7. Postal address: 22 Maria-Luisa Blvd.,1000 Sofia

8. Email address: mgandzhova(at)moew.government.bg

9. Telephone number: +359 2 940 62 69
10. Fax number: +359 2 988 43 93
11. Date on which report was completed: 28.03.2019

Part one

Current legal and administrative framework for the implementation of the Protocol

In this part, please describe the legal, administrative and other measures taken in your country to implement the provisions of the Protocol. This part should describe the framework for your country's implementation, and not experience in the application of the Protocol.

Article 3

General provisions

I.1. Please provide the main legislative, regulatory and other measures you have adopted in your country to implement the Protocol (art. 3, para. 1) (more than one option may apply):

- (a) Law on SEA (please indicate number/year/name):
- (b) **SEA provisions are transposed into another law(s)** (please specify):

The Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context is ratified with Law, adopted by National Assembly of the Republic of Bulgaria on 17 of November, 2006 (State Gazette 97/2006). The Protocol is promulgated at State Gazette 13/2012.

SEA provisions of the Protocol are transposed in Chapter 6, Sections 1 and 3 of Environmental Protection Act (State Gazette No 91/2002, last amendment State Gazette No 24/2019).

- (c) **Regulation (please indicate number/year/name):**

Regulation on the conditions and procedures for environmental assessment for plans and programmes (State Gazette No 57/2004, last amendment State Gazette No 3/2018, corrected State Gazette No 8/2018) (EA Regulation)

- (d) Administrative rule (please indicate number/year/name):
- (e) Other (please specify):

Your comments:

Article 4

Field of application concerning plans and programmes

I.2. List the types of plans and programmes that require SEA in your legislation:

According to art. 85, para 1 of Environmental Protection Act, Environmental Assessment (SEA) shall be carried out for plans and programmes in the areas of agriculture, forestry, fisheries, transport, energy, waste management, water resources management, and industry, including extraction of subsurface resources, electronic communications, tourism, spatial planning and land use, where the said plans and programmes set the framework for future development of any development proposals listed in Annexes 1 and 2 hereto.

I.3. Explain how you define whether a plan or programme “set the framework for future development consent” (art. 4, para. 2):

According to art. 85, para 1 of the Environmental Protection Act – plans and programmes which set the framework for future development of any investment proposals listed in Annexes 1 and 2 of Environmental Protection Act.

Setting the framework is considered as plan or programme has direct connection/ relation for issuing of future development consent for proposals included in this plan or programme

I.4. Explain how the terms “plans and programmes ... which determine the use of small areas at local level” (art. 4, para. 4) are interpreted in your legislation:

According to art .2, para 2, item 1 of EA Regulation, plans and programmes and their amendments under art. 85, para 1 of Environmental Protection Act which determine the use of small areas at local level are subject to SEA screening procedure.

I.5. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4, para. 4):

According to art. 85, para 2 of Environmental Protection Act (Supplemented, SG No. 62/2015, effective 14.08.2015): Any plans and programmes referred to in paragraph 1 (An environmental assessment shall be mandatory for any plans and programmes in the areas of agriculture, forestry, fisheries, transport, energy, waste management, water resources management, and industry, including extraction of subsurface resources, electronic communications, tourism, spatial planning and land use, where the said plans and programmes set the framework for future development of any development proposals listed in Annexes 1 and 2 hereto), which affect small areas at local level and involve minor modifications of plans and programmes referred to in paragraph 1, shall require an environmental assessment solely where they are likely to have significant effects on the environment.

According to art .2, para 2, p. 2 of EA Regulation: Minor modifications of plans and programmes referred to in art.2, para 1, p.1 and/or 2 (p.1:according to art.85, para 1 of Environmental Protection Act; p.2: are included in Annex 1 and set the framework for future development of any investment proposals listed in Annexes 1 and 2 of Environmental Protection Act) are subject of SEA screening procedure.

Article 5 Screening

I.6. How do you determine which other plans and programmes should be subject to a SEA as set out in article 4, paragraphs 3 and 4, in accordance with article 5, paragraph 1? Please specify:

- (a) On a case-by-case basis
- (b) By specifying types of plans and programmes
- (c) **By using a combination of (a) and (b)**
- (d) Other (please specify):

Your comments:

The requirements for plans and programmes and their modifications to be subject to SEA screening procedure are defined in art 2, para 2 of EA Regulation.

I.7. Do you provide opportunities for the public concerned to participate in screening and/or scoping of plans and programmes in your legislation (art. 5, para. 3, and art. 6, para. 3)?

No

Yes (please specify (more than one option may apply):

(a) By sending written comments to the competent authority

(b) By sending written comments to the local municipality

(c) By providing answers to a questionnaire

(d) By taking part in a public hearing

(e) By sending written comments to the consultants/SEA experts or persons preparing the plans and programmes

(f) Other (please specify):

Your comments:

The opportunities for public participation in screening stage are given by the provision of art 13, para 2 of EA Regulation - the competent environmental authority could send copy of the screening information to the municipal/regional authorities and other specialized authorities – depending of the specificity of plan/programme (Water Basin Directorates, Forestry management authorities, etc). In addition, the public has opportunity to appeal Screening decisions.

At the scoping stage the developer is obliged to consult with identified as concerned specialized authorities and public about the scope of SEA Report.

Article 6 Scoping

I.8. How do you determine what is the relevant information to be included in the environmental report, in accordance with article 7, paragraph 2 (art. 6, para. 1)?

The competent environmental authority gives guidelines to the developer what information should be included in SEA Report:

- as a minimum SEA Report must include the information according to art. 86, para 3 of Environmental Protection Act, which fully coincides with information according to Annex IV of the SEA Protocol;
- SEA Report must reflect the comments (from concerned public and authorities) received during the scoping stage;
- Specific information and analyses according to the specificity of the current plan/programme.

Article 7 Environmental report

I.9. How do you determine “reasonable alternatives” in the context of the environmental report (art. 7, para. 2)? Please specify:

(a) On a case-by-case basis

(b) As defined in the national legislation (please specify):

(c) By using a combination of (a) and (b)

(d) Other (please specify):

Your comments:

I.10. How do you ensure sufficient quality of the reports? Please specify:

(a) The competent authority checks the information provided and ensures it includes all information required under annex IV as a minimum before making it available for comments

(b) By using quality checklists

(c) There are no specific procedures or mechanisms

(d) Other (please specify):

The competent environmental authority gives comments on the SEA report during the public consultations, including on the quality of the report. Additionally there are Interinstitutional Committees - consultative bodies of the competent environmental authorities one of the tasks of which is evaluation of the quality of SEA reports.

Your comments:

Article 8

Public participation

I.11. How do you ensure the “timely public availability” of draft plans and programmes and the environmental report (art. 8, para. 2)? Please specify (more than one option may apply):

(a) Through public notices

(b) Through electronic media

(c) Through other means (please specify):

Your comments:

I.12. How do you identify the public concerned (art. 8, para. 3)? Please specify (more than one option may apply):

(a) Based on the geographical location of the plans and programmes

(b) Based on the environmental effects (significance, extent, accumulation, etc.) of the plans and programmes

(c) By making the information available to all members of the public and letting them identify themselves as the public concerned

(d) By other means (please specify):

Your comments: **On case by case basis depending on the plan or programme.**

I.13. How can the public concerned express its opinion on the draft plans and programmes and the environmental report (art. 8, para. 4)? Please specify (more than one option may apply):

(a) By sending comments to the relevant authority/focal point

(b) **By providing answers to a questionnaire**

(c) **Orally**

(d) **By taking part in a public hearing**

(e) Other (please specify):

Your comments:

I.14. Do you have a definition in your legislation of the term “within a reasonable time frame” (art. 8, para. 4)? Please specify:

(a) **No, the time frame is determined by the number of days fixed for each commenting period**

(b) No, it is defined case by case

(c) Yes (please provide the definition):

(d) Other (please specify):

Your comments:

According to art 20, para 1, point 1 „c“ of EA Regulation, the term for expressing and submitting of statements on EA report and draft of the plan/programme can not be less than 30 days.

Article 9

Consultation with environmental and health authorities

I.15. How are the environmental and health authorities identified (art. 9, para. 1):

- (a) On a case-by-case basis:
- (b) **As defined in the national legislation:**
- (c) Other (please specify)

Your comments:

I.16. How are the arrangements for informing and consulting the environmental and health authorities determined (art. 9, para. 4):

- (a) On a case-by-case basis:
- (b) **As defined in the national legislation:**
- (c) Other (please specify)

Your comments:

I.17 Does your national legislation call for consultations with environmental and health authorities?

- (a) **Yes**
- (b) No

I.18. How can the environmental and health authorities express their opinion (art. 5, para. 2, art. 6, para. 2, and art. 9, para. 3):

- (a) **By sending comments**
- (b) **By providing answers to a questionnaire**
- (c) **In a meeting**
- (d) By other means (please specify)

Your comments:

Article 10

Transboundary consultations

I.19. As a Party of origin, when do you notify the affected Party (art. 10, para. 1)? Please specify:

- (a) During scoping
- (b) **When the draft plan or programme and the environmental report have been prepared** *
- (c) At other times (please specify):

Your comments: *The answer is given according to the provisions of the national SEA legislation as Bulgaria does not have practical cases as a party of origin in the reporting period.

I.20. As a Party of origin, what information do you include in the notification (art. 10, para. 2)? Please specify:

(a) **The information required by article 10, paragraph 2** *

(b) The information required by article 10, paragraph 2, plus additional information (please specify):

Your comments: *The answer is given according to the provisions of the national SEA legislation as Bulgaria does not have practical cases as a party of origin in the reporting period.

I.21. As a Party of origin, does your legislation indicate a reasonable time frame for the transmission of comments from the affected Party (art. 10, para. 2)? Please specify:

(a) **No** *

(b) Yes (please indicate how long):

Your comments: Reasonable time for transmission of comments is defined case by case. *

*The answer is given according to the provisions of the national SEA legislation as Bulgaria does not have practical cases as a party of origin in the reporting period.

I.22. If the affected Party has indicated that it wishes to enter into consultations, how do the Parties agree on detailed arrangements to ensure that the public concerned and the authorities in the affected Party are informed and given an opportunity to forward their opinion on the draft plan or programme and the environmental report within a reasonable time frame (art. 10, paras. 3 and 4)?

(a) Following those of the Party of origin

(b) Following those of the affected Party

(c) **Other (please specify):**

Detailed arrangements are agreed between affected Party and Party of origin case by case. *

Your comments: *The answer is given according to the provisions of the national SEA legislation as Bulgaria does not have practical cases as a party of origin in the reporting period.

Article 11 Decision

I.23. When a plan or programme is adopted, explain how your country ensures, in accordance with article 11, paragraph 1, that due account is taken of:

(a) **The conclusions of the environmental report**

(b) **Mitigation measures**

(c) **Comments received in accordance with articles 8 to 10**

Your comments:

According to art 29, para 1 of EA Regulation, the developer of the plan or programme is obliged to submit summary to the competent authority for the SEA procedure that includes information about:

- Compliance of the plan/programme with the main results and recommendations in EA report, with consultation results, with requirements and mitigation measures in the EA statement of the competent environmental authorities;

- Compliance with preferred in EA report alternative;
- The extent to which the mitigation and monitoring measures are considered in the plan/programme.

Only after adoption of the above summary by the competent environmental authority, the plan/programme can be finally adopted.

I.24. How and when do you inform your own public and authorities (art. 11, para. 2)?

SEA statement is made available by the competent environmental authority for the public by publishing it on the web site and noticing about it on the notice board in authority building within 3 days from issuing (art 27, para 1, item 2 of EA Regulation).

The developer publishes EA Statement on his web site or announces it by other appropriate way.

The summary under art 29, para 1 of EA Regulation is made available to the public by the developer (art.30, para 4 of EA Regulation)

The developer notifies the competent environmental authority within 14 days from final adoption of the plan/programme, including about the publication of it (art 29, para 3 of EA Regulation).

I.25. How do you inform the public and authorities of the affected Party (art. 11, para.

(a) **By informing the point of contact** *

(b) By informing the contact person of the ministry responsible for SEA, who then follows the national procedure and informs his/her own authorities and public

(c) By informing all the authorities involved in the assessment and letting them inform their own public

(d) Other (please specify):

Your comments: *The answer is given according to the decision I/2 taken at the 5 MOP/1MOP to use the Espoo contact points for notifications under the SEA Protocol as Bulgaria does not have practical cases as a party of origin in the reporting period.

I.26. How do you ensure that, when a plan or programme is adopted, the public, the authorities and the Parties consulted are informed and that the information mentioned in article 11, paragraph 2, is made available to them?

(a) **Pursuant to national legislation (please refer to specific provisions and provide citations in order to clarify the procedure followed):**

SEA statement is made available by the competent environmental authority for the public by publishing it on the web site and noticing about it on the notice board in authority building within 3 days from issuing (art 27, para 1, item 2 of EA Regulation).

The developer publishes EA Statement on his web site or announces it by other appropriate way.

The summary under art 29, para 1 of EA Regulation is made available to the public by the developer (art.30, para 4 of EA Regulation)

The developer notifies the competent environmental authority within 14 days from final adoption of the plan/programme, including about the publication of it (art 29, para 3 of EA Regulation).

(b) Other (please specify):

Your comments:

Article 12 Monitoring

I.27. Describe the legal requirements for monitoring the significant environmental, including health, effects of the implementation of the plans and programmes adopted under article 11 (art. 12, paras. 1 and 2):

As part of SEA Report and SEA screening information, the developer is obliged to identify environmental monitoring measures and indicators. At the stage of consultation on SEA report or the stage of submitting the screening information, the competent environmental authority propose to the developer other monitoring measures to be included if these proposed by the developer are not adequate or insufficient. After agreement between the competent environmental authority and the developer, these monitoring measures becomes part of the overall monitoring arrangements for the plan/programme implementation. The developer is obliged to submit periodical monitoring reports to the competent environmental authority. After adoption these reports are made available for the public by the developer.

Part two Practical application during the period 2016–2018

In this part, please report on your country's practical experiences in applying the Protocol (and not your country's procedures, which were described in part one). The focus of this section should be on identifying good practices as well as difficulties encountered in applying the Protocol in practice. The goal is to enable Parties to share solutions. Please therefore provide appropriate examples highlighting application of the Protocol in your country and innovative approaches to improve its application.

II.1. Does your country object to the information on SEA procedures provided in this section being compiled and made available on the website of the Protocol? Please specify (indicate "yes" if you object):

(a) Yes

(b) No

Your comments:

1. Consideration of health effects

II.2. Does your SEA documentation always include specific information on health effects? Please specify:

(a) Yes

(b) No, only when potential health effects are identified

2. Domestic and transboundary implementation in the period 2016–2018

II.3. Does your SEA documentation always include specific information on potential transboundary environmental, including health, effects? Please specify:

- (a) Yes
- (b) **No, only when potential transboundary effects are identified**

3. Cases during the period 2016–2018

II.4. Please provide the (approximate) number of transboundary SEA procedures initiated during the period 2016–2018 and list them, grouped by the sectors listed in article 4, paragraph 2: **3**

There are no transboundary SEA procedures initiated from Bulgaria as a party of origin in the reported period.

In accordance with the provisions of the SEA Protocol, Bulgaria was notified as an affected party on following SEA procedures:

- National Infrastructure Policy for Geological Disposal of Highly Active Radioactive Waste on the territory of the United Kingdom (started in 2018)

According to the received statements at national level, Ministry of Environment and Water (MoEW) of Bulgaria has informed point of contact for the SEA procedure that there is no need for the participation of Bulgaria in the SEA procedure.

- Water management sector: Strategy for Development of the Energy Sector of the Republic of Serbia until 2025 with projections up to 2030, for the period 2017 – 2023 (started in 2017)

According to the received statements at national level, Ministry of Environment and Water (MoEW) of Bulgaria has informed by letter the Embassy of the Republic of Serbia that there is no need for the participation of Bulgaria in the SEA procedure.

- Spatial planning and land use: Zonal Urban Plan - Used oil recycling plant on the territory of the Republic of Romania (started in 2017)

Bulgaria has declared willingness for participation in SEA procedure of Zonal Urban Plan-Used oil recycling plant on the territory of the Republic of Romania.

4. Experience with the strategic impact assessment procedure in 2016–2018

II.5. Has your country experienced substantial difficulties in interpreting particular terms (or particular articles) in the Protocol?

- (a) **No**
- (b) Yes (please indicate which ones):

II.6. How does your country overcome the(se) problem(s), if any, for example by working with other Parties to find solutions? Please provide examples:

II.7. With regard your country's experience with domestic procedures, in response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others. Please detail:

(a) Has your country carried out monitoring according to article 12 and, if so, for what kinds of plans or programmes (cite good practice cases or good practice elements (e.g., consultation or public participation), if available)?

Yes, Bulgaria has carried out monitoring of plans and programmes that were subject of full SEA procedure – mainly for:

- Town and country planning and land use Plans /Municipality Master Territorial Plans and Detailed Spatial Plans/ (as almost domestic SEA procedures are carried out for such plans);
- National Operational Programmes (for transport, environment, competitiveness, regional development, fisheries, agriculture);
- Programmes, Strategies and Plans on national and regional level for transport (including general plans for development of ports, airports), regional development, water management.

(b) Would your country like to present a case to be published on the website of the Convention and its Protocol as a “case study fact sheet”?

(i) No

(ii) Yes (please indicate which ones):

II.8. With regard your country’s experience with transboundary procedures, in response to each of the questions below, either provide one or two practical examples or describe your country’s general experience. You might also include examples of lessons learned in order to help others. Please detail:

(a) What difficulties has your country experienced and what solutions has it found?

(i) Translation and interpretation

For overcoming the above mentioned problem, the MoEW ensures translation of the documentation (while there is a budget for documentation translation). This may prolongs the SEA consultations period.

(ii) Other issues

(b) What does your country usually translate as a Party of origin?

Bulgaria does not have experience as a party of origin.

(c) As an affected Party, has your country ensured the participation of the public concerned and the authorities pursuant to article 10, paragraph 4?

(i) No

(ii) Yes (please indicate how):

According to the art 35, para 1, p. b of EA Regulation, Ministry of Environment and Water ensure public access (under the terms and conditions of Art. 20 of EA regulation) to the received information and SEA documentation for the SEA procedure and in a timely manner send information and documentation to the to the Ministry of Health, Basin Directorate and depending on the plan / program, if is necessary, to the other specialized bodies.

Public access to the information and SEA documentation for the SEA procedure is provided via website of the MOEW.

(d) What has been your country's experience of the effectiveness of public participation?

Bulgaria does not have experience as a party of origin.

At the consultation period for SEA procedures where Bulgaria participated as affected party were not received statements from the public. Received statements are from Ministry of Health and Basin Directorates.

(e) Does your country have examples of organizing transboundary SEA procedures for joint cross-border plans and programmes?

(i) No *

(ii) Yes (please describe):

*The answer given is for the reporting period 2016-2018

(f) As an affected Party, how do you ensure that the public concerned and the authorities are informed and given an opportunity to forward their opinion on the draft plan or programme and the environmental report within a reasonable time frame (art. 10, para. 4)?

According to the art 35, para 1, p. b of EA Regulation, Ministry of Environment and Water ensure public access (under the terms and conditions of Art. 20 of EA regulation) to the received information and SEA documentation for the SEA procedure and in a timely manner send information and documentation to the to the Ministry of Health, Basin Directorate and depending on the plan / program, if is necessary, to the other specialized bodies.

Public access to the information and SEA documentation for the SEA procedure is provided via website of the MOEW.

5. Experience regarding guidance in 2016–2018

II.9. Are you aware of any use in your country of the online *Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment (ECE/MP.EIA/17)*?¹:

(a) No:

(b) Part of it (Please specify):

(c) Yes (please describe your experience):

The Manual is published on the website of the MoEW for public access. At the scoping stage of SEA procedure the competent environmental authority gives instructions to the developers of plan/programme to use the Manual in the performing of SEA documentation and SEA consultations.

Your comments on how the Guidance might be improved or supplemented:

6. Awareness of the protocol

II.10. Does your country see a need to improve the application of the Protocol in your country?

(a) No:

¹ Available from http://www.unece.org/env/eia/pubs/sea_manual.html.

(b) Yes Please describe how your country intends to improve application of the Protocol:

7. Suggested improvements to the report

II.11. Please provide suggestions for how this report may be improved:
